IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 4060 OF 2006

Nilikonda Vemaiaha ... Petitioner.

versus

The Union of India & ors. ... Respondents.

Shri Ramesh Ramamurthy with Mr. Saikumar Ramamurthy for
the petitioner.
Anjankumar Sharma withMrs. Anamika Malhotra for Respdt.

CORAM; V.G.PALSHIKAR &
V.M.KANADE, JJ.

DTAED: 21ST JUNE,2006.

P.C.

1. By this petition, the petitioner has challenged the order passed by the Central Administrative Tribunal, rejecting the Original Application filed by the petitioner.

2. The petitioner is an employee of Union of India and in that capacity occupied the Government quarters. Proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act 1971 were commenced against the petitioner on the allegation that he has subletted the premises. However, on the petitioner's vacating the premises, the proceedings were dropped. After the order

of eviction was passed, the petitioner gave up the premises and the issue of his being evicted did not survive.

3. However, a communication was addressed to the petitioner by the respondent informing him that penal interest would be levied and would be deducted from the petitioner's salary and both these actions were therefore the subject to be challenged in the Original Application.

4. The tribunal relying on a judgment of the Supreme Court in **Union of India Vs. Rasila Ram and others reported in 2002 S.C.C. (L&S) 1016,** rejected the application as the Supreme Court has in the aforesaid decision held that administrative tribunals do not possess the power under the Act to deal with the matter relating to eviction of unauthorised occupants from governemnt quarters. Rejection of the application by the Tribunal is therefore correct.

5. If and when the penal charges are sought to be deducted from the petitioner's salary the petitioner will have an independent cause of action which he may pursue in accordance with the law. Hence petition is dismissed.

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